UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,563	03/31/2001	Carolyn Ramsey Catan	US010154***	6354

			EXAMINER
24737	7590	08/11/2005	SIDDIQI, MOHAMMAD A

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ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/823,563	CATAN, CAROLYN RAMSEY
	Examiner	Art Unit	
	Mohammad A. Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-17 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

3.   Claims 1-17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gazdzinski et al. (6,615,175) (hereinafter Gazdzinski) in

view of "Official Notice".

4.   As per claims 1, 6, and 13, Gazdzinski discloses a system for

identifying and selecting at least one data resource in a data store, said

system comprising:

an machine-readable reader system (col 4, lines 5-20) with a user

interface for reading MRL data from an MRL (MRL is interpreted as RFID tag

and reader system, col 4, lines 5-20; col 7, lines 27-29);

a resource base having resource (internet or intranet, col 10, lines 23-

59); and

at least one processor connected to said MRL reader for receiving MRL

data from said MRL, and for controlling and receiving data from said user

interface (col 3, lines 19-43, col 4,lines 5-20); said

said at least one processor being programmed to generate a query for

use in searching said resource base responsively to said MRL data (col 7,

lines 27-29, col 3, lines 19-43, col 4,lines 5-20);

said at least one processor being programmed to generate a query to

identify at least one resource matching said query and determine a

confidence (col 9, lines 50-54) level of said matching (col 9, lines 25-54);

and

said at least one processor being programmed such that when said

confidence level (col 9, lines 50-55) is lower than a predetermined (col 9,

line 10) confidence level (col 9, lines 45-65), said at least one processor

receives input from said user interface defining a new resource and stores

(col 6, line 25) said new resource in said resource base or another resource

base (col 9, lines 45-65; col 21, lines 62-67, appended on the library entry

for the first word).

Although Gazdzinski shows substantial features of the claimed

invention including reader system, RFID tag, and internet/intranet accessible

information base. Gazdzinski does not explicitly teach a machine-readable

label (MRL), user interface for reading MRL data from an MRL. "Official

Notice" is taken that both the concept and advantages of providing RFID

tag/Smart technology based device can provides scanning from greater

distances than bar code scanning (support for the official notice can be found

in the back ground of the specification of the instant application, page 2). It

would have been an obvious modification to the system disclosed by

Gazdzinski to use RFID tag system interface and process information from

remotely stored resource base.

5.   As per claims 2 and 7, Gazdzinski discloses wherein said MRL includes

a radio transponder or transmitter (col 5, lines 60-63, col 3, lines 19-43, col

4,lines 5-20).

6.   As per claims 3 and 8, Gazdzinski discloses said at least one processor

is programmed such that when said confidence level is higher than said

predetermined confidence level, said at least one processor receives input

from said user interface indicating a desirability of said at least one resource

to said user and to update a preference data store responsively to said input

(col 9, lines 45-65).

7.   As per claim 4, Gazdzinski discloses wherein said at least one

processor is programmed such that when said confidence level is lower than

said predetermined confidence level, said at least one processor identifies a

resource not matching said query by substituting a term in said query that

identifies one of an object associated with said reader, an object associated

with an MRL, or another term and searches responsively to said query for a

resource and, upon finding said resource, generates an output responsive

thereto (col 3, lines 19-43, col 4, lines 5-20, col 9, lines 45-67, col 10, lines

1-12).

8.   As per claims 5 and 10, Gazdzinski discloses wherein said term is a

term characterizing said object associated with said reader (fig 15, col 20,

lines 9 –42).

9.   As per claim 9, Gazdzinski discloses wherein said reader is

programmed such that when said confidence level is lower than said

predetermined confidence level, said at least one processor receives input

from said user

interface defining a new resource and stores said new resource in said

resource base or another resource base (col 9, lines 22-65).

10.   As per claim 11, Gazdzinski discloses wherein said MRL reader is

programmed such that when said confidence level is lower than said

predetermined confidence level, said at least one processor identifies a

generic resource responsive to said object associated with an reader system

(fig 15, col 9, lines 22-65).

11.   As per claim 12, Gazdzinski discloses, wherein said MRL reader is

programmed such that when said confidence level is lower than said

predetermined confidence level, said at least one processor receives input

from said user interface defining a new resource and stores said new

resource in said resource base or another resource base (fig 15, col 9, lines

22-65).

12.   As per claim 14, Gazdzinski discloses, wherein said message suggests

to a user that the user use a different one of an object associated with a

reader and an object associated with an reader system (fig 15, col 20, lines 9 -42).

13.   As per claim 15, Gazdzinski discloses, further comprising the steps of, when said further confidence level is lower than said predetermined level or another predetermined level, identifying a generic response using a third query with fewer terms than said first query or second queries (fig 15, col 9, lines 22-65).

14.   As per claim 16, Gazdzinski discloses A method of identifying a resource from a machine-readable reader, comprising the steps of:

a machine-readable reader attaching resources from a resource base based on a result of said step of scanning (fig 15, col 9, lines 22-65);

when a result of said step of input indicates a poor match, outputting to a user-interface (col 9, lines 46-65, col 3, lines 19-43, col 4,lines 5-20), a message suggesting to a user to use a different one of said first and second objects (col 9, lines 46-67, col 10, lines 1-12).

Although Gazdzinski shows substantial features of the claimed invention including reader system, RFID tag, and internet/intranet accessible information base. Gazdzinski does not explicitly teach a machine-readable label (MRL). "Official Notice" is taken that both the concept and advantages

of providing RFID tag/Smart technology based device can provides scanning

from greater distances than bar code scanning. It would have been an

obvious modification to the system disclosed by Gazdzinski to use RFID tag

system interface and process information from remotely stored resource

base.

15.   As per claim 17, Gazdzinski discloses a method of identifying a

resource from a machine-readable reader, comprising the steps of:

        a machine-readable reader associated with a first object with a reader

(col 4, lines 5-20) associated with a second object (fig 15, col 20, lines 9 –

42);

        matching resources from a resource base based on identifiers

corresponding to said first and second objects resulting from said step of

scanning (fig 15, col 9, lines 22-65);

        when a result of said step of input indicates a poor match, outputting

to a user-interface (col 9, lines 46-65, col 3, lines 19-43, col 4,lines 5-20),

identifying a resource matching resources from a resource base based on

identifiers corresponding to only one of said first and second objects

resulting from said step of scanning (col 9, lines 46-67, col 10, lines 1-12).

        Although Gazdzinski shows substantial features of the claimed

invention including reader system, RFID tag, and internet/intranet accessible

information base. Gazdzinski does not explicitly teach a machine-readable

label (MRL). "Official Notice" is taken that both the concept and advantages

of providing RFID tag/Smart technology based device can provides scanning

from greater distances than bar code scanning. It would have been an

· obvious modification to the system disclosed by Gazdzinski to use RFID tag

system interface and process information from remotely stored resource

base.

Response to Arguments

16.   Applicant's arguments filed 10/18/2004 have been fully considered but

they are not persuasive, therefore rejections to claims 1-17 is maintained.

17.   In the remarks applicants argued that:

Argument: Gazdzinski does not disclose processor receives input from said

user interface defining a new resource and stores said new resource in said

resource base or another resource base.

Response: Gazdzinski discloses processor (106, fig 1) receives input (col 9,

lines 34-37, subsystem is programmed to allow the user to append the

search) from said user interface defining a new resource and stores (108, fig

1, col 6, line 25; col 9, lines 60-65; partial matches are used as the basis for

the appended search) said new resource in said resource base or another

resource base (col 9, lines 45-65; col 21, lines 62-67, appended on the

library entry for the first word).

Argument: Gazdzinski does not disclose wherein said term is a term

characterizing said object associated with said.

Response: Gazdzinski discloses term is a term characterizing said object

associated with said reader (fig 15, col 9, lines 45-65; col 21, lines 62-67,

word/term is appended on the library entry for the first word).

Conclusion

18.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to

expire THREE MONTHS from the mailing date of this action. In the event a

first reply is filed within TWO MONTHS of the mailing date of this final action

and the advisory action is not mailed until after the end of the THREE-

MONTH shortened statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply

expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Mohammad A. Siddiqi whose

telephone number is (571) 272-3976. The examiner can normally be

reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, John A. Follansbee can be reached on (571) 272-

3964. The fax phone number for the organization where this application or

proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private

PAIR or Public PAIR. Status information for unpublished applications is

available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center

(EBC) at 866-217-9197 (toll-free).

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

MAS